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September 17, 2015

**VIA ECF**

Honorable Susan Richard Nelson  
United States District Court Judge  
District of Minnesota  
774 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

**Re: *In Re: RFC and ResCap Liquidating Trust Litigation*, No. 13-cv-03451**

Dear Judge Nelson:

On behalf of the parties in the above-captioned action, we write to provide the Court with an update on the parties' ongoing and productive efforts to come to an agreement as to the scope of and procedure for a deposition of Plaintiffs pursuant to Rule 30(b)(6) of the Federal Rules of Procedure.

On July 24, 2015, Defendants served a list of topics (the "Topics") on which they seek Rule 30(b)(6) testimony of Plaintiffs. The list includes 21 separate topics, with approximately 100 sub-topics. It seeks Rule 30(b)(6) testimony on common issues, as well as certain testimony "as to each Defendant." On August 24, 2015, Plaintiffs served their responses and objections (the "Responses") to the Topics. In the Responses, while objecting to the scope of testimony sought by Defendants and declining to provide testimony as to each Defendant, Plaintiffs designated seven separate witnesses to provide Rule 30(b)(6) testimony on most of the 21 topics identified by Defendants.

The parties held meet and confers on August 28, September 2, September 9, September 11, and September 16. These meet and confers have been productive. The parties have significantly narrowed their disputes, agreeing as to the scope of testimony on virtually all of the Topics on common issues, and as to the provision of certain Defendant-specific testimony on relevant contracts between RFC and each Defendant.

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There are a number of issues on which the parties are still engaged in productive discussion. The most significant of these issues are (i) the extent to which Plaintiffs will provide loan and defendant-specific testimony through a corporate designee, and (ii) the length of the Rule 30(b)(6) deposition of Plaintiffs. The parties are also continuing to discuss and exchange proposals relating to other open issues.

The parties believe that given the ongoing discussions on these issues, as well as the productive nature of the meet and confer process thus far, it would be premature to present the Court with any disputes they may have regarding Plaintiffs' Rule 30(b)(6) deposition. Rather, the parties believe that the more productive and efficient course is to continue their discussions and raise with the Court any disputes they may ultimately have once the meet and confer process has been exhausted. The parties expect that they will be able to raise any such disputes with the Court no later than the October case management conference, and possibly before that time.

In the meantime, the parties have agreed to begin scheduling depositions (of both Plaintiffs' and Defendants' witnesses) that are not impacted by ongoing discussions of open issues. The parties expect depositions to begin in October.

We look forward to addressing any questions the Court may have at Monday's conference.

Respectfully submitted,

s/Isaac Nesser

Isaac Nesser

Respectfully submitted,

s/ N. Mahmood Ahmad

N. Mahmood Ahmad

cc: All parties (by ECF)